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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,184

02/24/2004

Eiji Hasegawa

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STAAS & HALSEY LLP

SUITE 700

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EXAMINER

TRUONG, THANHNGA B

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,184	Applicant(s) HASEGAWA ET AL.	
	Examiner THANHNGA B. TRUONG	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/09 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 30, 2008 has been entered. Claims 1-16 are pending. Claim 17 is cancelled by the applicant. At this time, claims 1-16 are still rejected.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2, 5-6, and 9-16 are recites the limitation "encrypted program segments" and "each of the program segments. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vos (US 4,849,927), and further in view of Debey (US 5,701,582).

a. Referring to claim 1:

i. Vos teaches an information processing apparatus comprising:

(1) a first storage unit (**see Figure 3 of Vos**); a processor configured to execute a program written in the first storage unit (**see element 30 of Figure 3 of Vos**); a second storage unit configured to store a plurality of encrypted program segments (**e.g. new firmware program – column 5, lines 39-50 of Vos**) into which the program is divided (**see elements 38, 40 in Figure 3 of Vos**); and a secure module (**see Figure 3; more details in column 2, lines 15-64 of Vos**) capable of performing operations of: receiving each of the program segments stored in the second storage unit; returning each of the received program segments to an executable state; writing each of the program, which have each been returned to the executable state, in the first storage unit in a sequence for the processor to execute; and deleting each of the program segments, which have each been executed by the processor, from the first storage unit after execution is completed (**column 2, lines 15-64 of Vos**), wherein the processor transmits (**see element 35 in Figure 3 of Vos**) the program segments stored in the second storage unit to the secure module (**see Figure 3 of Vos**).

ii. Although Vos teaches the claimed subject matter, Vos is silent on the capability of dividing the program into plurality of program segments. On the other hand, Debey teaches this limitation in Figure 8 and column 2, lines 54-55 and lines 66-67; column 3, lines 10-11 of Debey.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Vos with the teaching of Debey to improve the program transmission optimization over a distribution system **(column 1, lines 20-21 of Debey)**.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Vos with the teaching of Debey to enhance for program transmission optimization over a distribution system for multiple users, and was developed specifically, though not exclusively, with a view to providing a system and method for supplying video-on-demand which is compatible with existing video distribution systems **(column 2, lines 39-44 of Debey)**.

b. Referring to claims 2, 6:

i. Vos further teaches:

(1) wherein the secure module includes a processor configured to judge whether or not an execution request signal for a divided program has been received, and to return each of the received program segments to the executable state when it is judged that the execution request signal has been received **(column 5, lines 30-55 of Vos)**.

ii. Although Vos teaches the claimed subject matter, Vos is silent on the capability of dividing the program into plurality of program segments. On the other hand, Debey teaches this limitation in Figure 8 and column 2, lines 54-55 and lines 66-67; column 3, lines 10-11 of Debey.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Vos with the teaching of Debey to improve the program transmission optimization over a distribution system **(column 1, lines 20-21 of Debey)**.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Vos with the teaching of Debey to enhance for program transmission optimization over a distribution system for multiple users, and was developed specifically, though not exclusively, with a view to providing a system and method for supplying video-on-demand which is compatible with existing video distribution systems (**column 2, lines 39-44 of Debey**).

c. Referring to claims 3-4, 7-8:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

d. Referring to claims 5, 9-16:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Application/Control Number: 10/784,184
Art Unit: 2435

Page 6

/Thanhnga B. Truong/
Primary Examiner, Art Unit 2435

TBT
March 20, 2009